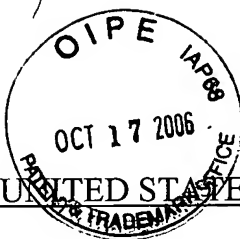


MR957-1411



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dar-Fu Tai :  
Serial No. : 10/690,600 : Attn: Office of Patent Petitions  
Filed : 23 October 2003 :  
Title : DISCRIMINATION OF PEPTIDES USING  
A MOLECULARLY IMPRINTED BIOSENSOR

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED UPON FAILURE TO RECEIVE OFFICE ACTION  
UNDER MPEP 711.03(c)(I)(A)**

Mail Stop PETITION  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned attorney hereby Petitions to withdraw the holding of abandonment for the above-referenced patent application based upon the undersigned attorney's failure to receive the Office Action which was an Office Communication dated 28 November 2005. The Office Communication gave a thirty day response time to extend through 28 December 2005.

The undersigned attorney requests that a new Office Communication Official Action be sent in view of the evidence presented in support of the contention that the undersigned attorney did not receive the original Office Communication as is provided in the attached Declaration of Morton J. Rosenberg.

MR957-1411  
Appln. No. 10/690,600

This Petition is being made within two months of the mailing date of the Notice of Abandonment received by the undersigned attorney. The Notice of Abandonment was mailed from the U.S. Patent and Trademark Office on 18 August 2006.

It is respectfully requested that this Petition to withdraw the holding of abandonment based on failure to receive the Office Action be granted.

It is not believed that there are any fees associated with this Petition. However, in the event it is determined there are fees necessary, the Honorable Director of Patents and Trademarks is hereby authorized to charge Deposit Account 18-2011 for such charges.

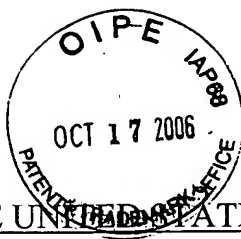
Respectfully submitted,  
FOR: ROSENBERG, KLEIN & LEE



Morton J. Rosenberg  
Registration No. 26,049

Dated: 10/17/2006

Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
Tel: 410-465-6678



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dar-Fu Tai :  
Serial No. : 10/690,600 : Attn: Office of Patent Petitions  
Filed : 23 October 2003 :  
Title : DISCRIMINATION OF PEPTIDES USING  
A MOLECULARLY IMPRINTED BIOSENSOR

**DECLARATION OF MORTON J. ROSENBERG**  
**IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF**  
**ABANDONMENT BASED UPON FAILURE TO RECEIVE**  
**OFFICE ACTION UNDER MPEP 711.03(c)(I)(A)**

Mail Stop PETITION  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Morton J. Rosenberg, hereby declare as follows:

(1) That I am a partner in the law firm of Rosenberg, Klein & Lee  
(RKL), having a business address at 3458 Ellicott Center Drive, Suite 101, Ellicott  
City, Maryland 21043;

(2) That I am the attorney indicated in the above-referenced patent  
application and that all correspondence from the USPTO should be sent to my law  
firm, Rosenberg, Klein & Lee;

(3) That on 23 October 2003, the above-referenced patent application  
was filed at the U.S. Patent and Trademark Office;

(4) That the above-referenced trademark application was given RKL Docket Number MR957-1411 and was entered into the docketing computer program as being filed on 23 October 2003;

(5) That a First Office Action being a Restriction Requirement was mailed from the U.S. Patent and Trademark Office on 22 September 2005;

(6) That a Response to Restriction Requirement was prepared and was filed at the U.S. Patent and Trademark Office on 20 October 2005;

(7) That there was no further correspondence from the USPTO to myself and/or the firm of Rosenberg, Klein & Lee until receipt of the Notice of Abandonment mailed from the U.S. Patent and Trademark Office on 18 August 2006 (Exhibit A);

(8) That the firm of Rosenberg, Klein & Lee has a docketing procedure to insure that all actions are entered into the docketing system;

(9) That the first step in the docketing procedure is that when an Official Action is received, the Official Action is entered into a hard copy of a calendar;

(10) That the Office Action was apparently mailed from the USPTO on 28 November 2005 with a due date of thirty days through and including 28 December 2005 (Exhibit B). Exhibit C is a photograph of the December 2005 hard docketing calendar which includes all entries for application where a response is due. The hard docketing calendar showing that on 28 December 2005 there is no entry for Docket No. MR957-1411 which is the RKL Docket Number

for this case. Exhibit D is a blown up portion of Exhibit C for the dates of December 27-31, 2005 which is more readable;

(11) The next step in the docketing procedure is that subsequent to the hard entry into the calendar, the Office Action (in all cases) is then entered into a control computer program which list the pertinent data associated with a particular application;

(12) Exhibit E is a computer printout of the computer screen for RKL Docket No. MR957-1411;

(13) That under the number "12" is shows "ACTIONS:" with the notation "FIRST PATENT OFFICE ACTION RESPONSE FILED 10/20/2005";

(14) Exhibit F is a second screen which details the Office Actions for a particular case under the main screen number "12". This screen shows that a Restriction Requirement was mailed from the USPTO on 22 September 2005 and that it was responded to on 20 October 2005;

(15) That this is the only Action shown in the computer program and is seen in Exhibit E under number "25", the status of the case shows "RESPONSE MADE";

(16) That subsequent to the receipt of the Notice of Abandonment, the undersigned attorney went into PAIR System and pulled down the "Office Action" mailed from the USPTO on 28 November 2005;

(17) That there is no other docketing procedure of any Office Actions for applications filed at the USPTO;

(18) That the undersigned attorney has gone through the file of the application and has only found the following substantive papers:

- (a) a hard copy of the patent application as filed;
- (b) a letter to the primary attorneys in Taiwan indicating that the application had been filed on 23 October 2003;
- (c) a copy of the receipt postcard from the U.S. Patent and Trademark Office sent to the undersigned attorney showing the Serial No. 10/690,600;
- (d) an Official Filing Receipt from the U.S. Patent and Trademark Office;
- (e) original Restriction Requirement Official Action dated 22 September 2005;
- (f) a copy of the Response to Restriction Requirement and Amendment filed on 20 October 2005.

(19) The Official Action dated 28 November 2005 was never received in the Office of Rosenberg, Klein & Lee for reasons unknown.

I, Morton J. Rosenberg, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the

MR957-1411  
Appln. No. 10/690,600

knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
FOR: ROSENBERG, KLEIN & LEE



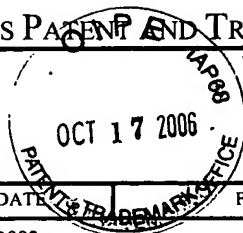
Morton J. Rosenberg  
Registration No. 26,049

Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
Tel: 410-465-6678

Date: 10/17/2006



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,600

10/23/2003

Dar-Fu Tai

MR957-1411

6731

4586

7590

08/18/2006

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

LIN, JERRY

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT A



**Notice of Abandonment**

Application No.

10/690,600

Applicant(s)

TAI ET AL.

Examiner

Jerry Lin

Art Unit

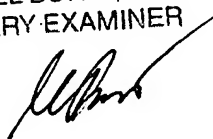
1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 November 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

MICHAEL BORIN, PH.D.  
PRIMARY EXAMINER



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,600	10/23/2003	Dar-Fu Tai	MR957-1411	6731

4586 7590 11/28/2005

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

BORIN, MICHAEL L

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20051116

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Response to Election of Species Requirement Amendment filed 10/20/2005 is acknowledged.


The communication filed on 10/20/2005 is not fully responsive to the prior Office action because of the following omissions or matters:

Applicant assumed that the previous communication from the Office was a Restriction Requirement, requiring election between separate groups of inventions. However, the communication mailed 09/25/2005 was an Election of Species Requirement, there were no requirement to elect between four groups of species A-D. Rather, applicant is required to make an election for each of the groups of species A,B,C, and D (for example, acrylamide as a monomer, cystine as an organic compound, etc).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, Ph.D., can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael Borin, Ph.D.  
Primary Examiner  
Art Unit: 1631

# Best Available Copy

PMAIN		PATENT DOCUMENT SCREEN DISPLAY	
1	DOCKET #: MR957-1411	12	CLIENT DOCKET #: CFPa-3925
3	COUNTRY: US	14	RESPONSIBLE ATTORNEY: MJR
5	TYPE: UTILITY PATENT APPLICATION	16	BUS. STATUS: SMALL ENTITY
7	TITLE: DISCRIMINATION OF PEPTIDES USING A MOLECULARLY IMPRINTED BIOSENSOR	18	FILING DATE: 10 / 23 / 2003
9	SERIAL #: 10/690600	20	PRIORITY DATE: NONE
11	PARENT DOC. #: NONE/NONE	22	COURT DOCKET #: NONE
13	ACTIONS: FIRST PATENT OFFICE ACTION RESPONSE FILED: 10 / 20 / 2005	24	MAINTENANCE STATUS: NONE PAID
15	APPEAL #: NONE	26	ISSUED: NOT APPLICABLE
17	INTERFERENCE #: NONE	28	EXPECTED EXP'N: 10 / 23 / 2023
19	PATENT NUMBER: NONE		
21	NEXT MAINT. FEE: NOT APPLICABLE		
23	INVENTORS: DAR-FU TAI / CHUNG-YIN LIN		
25	TZONG-ZENG WU		
27	APPLICANT: SAME		
29	ASSIGNEE: DAR-FU TAI		
31	STATUS: RESPONSE MADE		
		24	USPTO RECORDATION: 14633 / 590
		26	GO TO NEXT DOCUMENT

\*\*\*\*\*ITEM OPERATIONS TO PERFORM\*\*\*\*\*

WHICH ITEM IS TO BE CHANGED? (CHOOSE 1-26)

OPERATIONS WILL BE MADE ON ITEM NUMBER: \_

# Best Available Copy

PMAIN

DOCKET NUMBER: MR952-1411  
TITLE: DISCRIMINATION OF PEPTIDES USING A MOLECULARLY IMPRINTED BIOSENSOR  
PATENT DOCUMENT TYPE: UTILITY PATENT APPLICATION  
SERIAL NUMBER: 10/690600 FILING DATE: 10 / 23 / 2003

1. FIRST PATENT OFFICE ACTION

ACTION TYPE: RESTRICTION REQUIREMENT  
PATENT OFFICE ACTION MAILING DATE: 9 / 22 / 2005  
PATENT OFFICE RESPONSE DUE DATE: 10 / 22 / 2005  
RESPONSE TYPE: ANSWER TO RESTRICTION REQUIREMENT  
PATENT OFFICE ACTION RESPONSE MADE DATE: 10 / 20 / 2005

DO YOU WANT TO CHANGE/OR ADD DATES TO ONE OF THE ABOVE ACTIONS?  
(ANSWER YES OR NO): \_

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April 2006

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EXHIBIT C

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January 2006

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